Petition

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No. ..-...
IN THE

Supreme Court of the United States

October Term 1981

ANTONIO CUCCHIARA,

Petitioner,

vs.

SECRETARY OF THE TREASURY, DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

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Questions Presented for Review.

1. WHETHER THE SEVENTH AND NINTH CIRCUIT COURTS OF APPEAL HAVE ERRED IN ADOPTING AND APPLYING A NEW STANDARD OF REVIEW WHICH PRECLUDES DISTRICT COURT REVIEW OF ADMINISTRATIVE AGENCY FINDINGS MADE PURSUANT TO 18 U.S.C. §923(f)(2) UNLESS SUBSTANTIAL DOUBT INFECTS THE AGENCY'S FINDINGS OF FACT.

2. WHETHER THE SEVENTH AND NINTH CIRCUITS' NEW STANDARD OF REVIEW FOR BUREAU OF ALCOHOL, TOBACCO AND FIREARMS ADMINISTRATIVE DECISIONS IS OVERBROAD, VAGUE AND UNCERTAIN SO AS TO CONSTITUTE A DENIAL OF PROCEDURAL DUE PROCESS.

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Opinion Below.

The Court of Appeal entered its opinion on July 30, 1981. A copy of the opinion, affirming the judgment of the District Court is attached as Appendix "A" [and is reported at 652 F.2d 28 (9th Cir. 1981)]. A copy of the District Court Order is attached hereto as Appendix "B". A copy of the Findings and Conclusions of the Administrative Agency is attached as Appendix "C".

Jurisdiction.

Jurisdiction of this Court is invoked under Title 28, United States Code, Section 1254(1).

The Petitioner, ANTONIO CUCCHIARA, respectfully prays that a Writ of Certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit, entered on the 30th day of July, 1981. Pe-

titioner's Petition for Rehearing, for Stay of Mandate and suggestion that Rehearing be En Banc was denied on September 25, 1981.

Constitutional Provision Invoked.

This case involves the provision of the Fifth Amendment of the Constitution of the United States wherein it states in part:

> "No person shall be deprived of life, liberty or property, without due process of law . . ."

Statement of the Case.

This case arises out of a decision of the Ninth Circuit Court of Appeals which affirmed the District Court's grant of Summary Judgment in favor of Respondent who had, in an administrative hearing held pursuant to 18 U.S.C. §923(f)(2), denied Petitioner renewal of his Federal Firearms Dealer's License.

At the time in issue, Petitioner was the owner of a sporting goods business with one of the highest volume of retail firearms sales in Northern California. Petitioner had sold more than 4,300 firearms per year and had been in business for more than 20 years.

The non-renewal of Petitioner's license was based upon alleged record violations in 1977 which were found during a several month long compliance inspection by a Bureau of Alcohol, Tobacco and Firearms agent. No other compliance inspections had been conducted between 1973 and August of 1977. The precise nature of the alleged violations were varied and unclear, but included the following: Fifteen (15) Forms 4473 were found to have Section No. 8 not fully completed; at the time of the inspection the receipt of 25 firearms and the disposition of 362 firearms had not been recorded; and there existed certain alleged unreported multiple handgun sales.

The Order of the District Court of October 19, 1979, made additional reference to two hundred (200) lost and unaccounted for guns. Petitioner had undeniable evidence proving that a certain number of these guns were in fact stolen during a burglary, but he was not given the opportunity to present such evidence at the administrative hearing, and he was deprived of this opportunity by the District Court. Indeed, accounting for the lost guns served to balance the Petitioner's inventory. The District Court however, not the Regional Regulatory Administrator, made the finding that the guns were not accounted for.

Petitioner's records had suffered from disorganization and mismanagement by employees. In order to keep track of the acquisition and disposition of his gun inventory, Petitioner had made use of a tag system, which the inspector noted may result in lost tags, thus Petitioner immediately implemented a recommended system using the 4473 Forms. No recommendations by the Bureau of Alcohol, Tobacco and Firearms had ever been made on the best method to check Section No. 8 completions.

In early 1978, Petitioner spent the approximate sum of $17,500.00 in order to research and correct mistakes, and develop new record keeping policies. Most of the errors were discovered to have been made by one employee and prior to the Administrative hearing, Petitioner's books were noted to be "in good shape."

Petitioner had, however, been given irregularity statements in 1970 and 1972, and a letter of warning in 1973, but most of the violations cited therein dealt with transactions made with Philippine nationals which were positively sanctioned by agents of the Bureau of Alcohol, Tobacco and Firearms.

The Bureau of Alcohol, Tobacco and Firearms inspector conceded that reporting of record violations was discretionary; that errors in record keeping could be found in any sizable gun shop store, and that often he would not see fit to report many of a licensee's violations.

Petitioner's license, in view of the facts presented at the Administrative hearing, was not renewed and Petitioner was *not* given the opportunity to present additional evidence in the District Court. All this despite the provisions of 18 United States Code Section 923(f)(3) which provide for "de novo" review.

The Ninth Circuit Court of Appeals, in affirming the Summary Judgment, joined with the Seventh Circuit and adopted a novel approach to district court review under 18 U.S.C. §923(f)(3) finding that "consideration of judicial economy suggests that trial anew of factual matters already litigated should be avoided unless substantial doubt infects the agency's findings of fact." 652 F.2d at 30.

REASONS FOR GRANTING THE WRIT.

The issues presented are novel. They give rise to first impression questions of procedural due process involving judicial access denied to Petitioner. Clarification of a provision of the perplexing Gun Control Act of 1968 is therefore urgently desired and the necessity for granting this writ exists. The Ninth Circuit decision affects and creates uncertainty and confusion for not only the thousands of firearms dealers in the United States but also the entire legal community including the practitioners and the courts. An apparent novel and steadfast rule has been adopted and applied by the Court of Appeal against Petitioner which will limit the access of all Federal Firearms Dealers to the federal courts.

The new standard of review in 18 U.S.C. §923(f)(3) adopted by the Ninth and Seventh Circuits, is directly contrary to the generally accepted standards of review for the decisions of administrative agencies within their own circuits. Said novel standard is further specifically contrary to the standards set forth in the District and Circuit Courts of other Circuits. Petitioner contends, as hereinbelow set forth, that the newly adopted standard is not only contrary to accepted standards of review and Congressional intent, but also is so vague, uncertain and overbroad that it deprives Petitioner and others similarly situated, inherent procedural due process.

Action by this Court is imperative to clarify the Congressional intent and meaning of the review process set forth in 18 U.S.C. §923(f)(3), and thereby secure uniformity of application of said statutory provision.

I.

The New Standard Adopted Which Precludes District Court De Novo Review Under 18 U.S.C. 923(f)(3) Unless Substantial Doubt Infects the Agency's Findings of Fact Is Contrary to the Law of Other Jurisdictions and Contrary to Congressional Intent.

The Ninth Circuit in the case at bar and the Seventh Circuit in *Stein, Inc. v. Blumenthal*, 649 F.2d 463, at 466 (7th Cir. 1980), have adopted the aforementioned new standard for considerations of "judicial economy" only. Said standard has no basis in the decisions within said circuits, and is contrary to the decisions of other Circuits and District Courts.

By way of the new standard, an extremely narrow standard of review has been adopted whereby firearms dealers, such as Petitioner, who have their federal firearm licenses terminated by either non-renewal or revocation, will be restricted from seeking redress in the District Courts unless they can show by some unarticulated quantum of evidence that there is *substantial doubt* about the administrative agency's findings. The administrative agency which makes the findings, is the self-same agency which has investigated and collected evidence against the firearms dealer, and by way of their decision are in effect affirming their own investigations.

The Fourth Circuit in *Prino dba Dows v. Simon*, 606 F.2d 449 (4th Cir. 1979) refused to even accept the standard of "substantial evidence" as the proper scope of review and held that the firearms dealer seeking District Court review pursuant to 18 U.S.C. §923(f)(3) should be afforded the opportunity to present additional evidence. Equally, the Eighth Circuit in *Lewin v. Blumenthal*, 590 F.2d 268 (8th Cir. 1979) approved of the District Court's determination

that a *de novo* hearing was proper in order to allow the dealer to submit additional evidence on whether his violations were wilful.

Section 923(f)(3) in pertinent part specifically provides that:

> "In a proceeding conducted under this subdivision, the Court may consider any evidence submitted by the parties to the proceeding."

One District Court has interpreted the above language by calling the appropriate standard of review a de novo "trial." *See: Service Arms Co. Inc. v. United States Department of Treasury*, 76 F.R.D. 109 at 111 (W.D. Okla. 1977). An earlier California decision, *Weidner v. Kennedy*, 309 F.Supp. 1018 (C.D. Cal. 1970), stated that:

> "[T]he administrative decision is not clothed . . . with any presumption of correctness or other advantage. The standards of judicial review of administrative decisions used in some other connections, i.e., the 'any credible evidence' standard and the 'abuse of discretion' standard, are not applicable to the instant proceeding because they are inconsistent with the concept of having a 'de novo' trial . . ." *Id.* at 1019.

This decision has impliedly, albeit not expressly been overruled by the Ninth Circuit decision in the case at bar. The *Weidner* decision however is consistent with the legislative history of the statutory provision. Congress contemplated that a proceeding in the District Court would be "*de novo* review". *See*: H.R.Rep. No. 1577, 90th Cong. and Admin. News p. 4423. *See also*: *Fin & Feather Sport Shop Inc. v. United States Treasury*, 481 F.Supp. 800, 803-804 (D. Neb. 1979).

Therefore, by adopting the new limited standard of review, the Ninth and Seventh Circuits are in vast disagree-

ment with the majority of cases of the other Circuits and more importantly, with the apparent intent of the Congress in drafting the applicable provision.

II.

The Standard of Review Adopted by the Appellate Court Constitutes a Denial of Procedural Due Process.

By the institution of a standard of review which forces a federal firearms dealer to produce evidence which "infects the administrative agency's finding with *substantial doubt*," the Appellate Court is denying the aggrieved firearms dealer his inherent right to be heard prior to suffering an irremediable loss. A firearms dealer who has been in the firearms business for more than 20 years has a substantial property right in his chosen occupation, and that right should not be denied without procedural protections. However, when an Administrative decision from the identical agency that investigates the matter is clothed with a presumption of validity, as is the case with the newly adopted standard, the firearms dealer is prevented from supplementing, attacking or otherwise challenging the Administrative record. At a minimum, said dealer is uncertain when he should present his evidence and how much additional evidence (if any), it takes to secure jurisdiction in the District Court.

Petitioner would not quarrel with the result of a fair review of the evidence once he has been granted a judicial forum in which to present his evidence which at all times he has been ready and willing to proffer.

Conclusion.

WHEREFORE, Petitioner prays this Honorable Court issue a Writ of Certiorari to the Court of Appeals for the Ninth Circuit, to review the Order of that Court, entered on September 25, 1981.

Dated: December 23, 1981.

Respectfully submitted,

COHEN AND COHEN,
By PHIL COHEN,
Attorneys for Petitioner.

APPENDIX A.

Opinion of the United States Court of Appeals, Ninth Circuit.

Antonio Cucchiara, doing business as The Traders, Plaintiff-Appellant, v. Secretary of the Treasury, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Defendants-Appellees. No. 79-4786.

Argued and Submitted June 10, 1981. Decided July 30, 1981.

The Bureau of Alcohol, Tobacco and Firearms refused to renew a license to sell firearms, and the United States District Court for the Northern District of California, Samuel Conti, J., affirmed the summary judgment. On further appeal by the dealer, the Court of Appeals, Hug, Circuit Judge, held that: (1) where, by failing to dispute factual accuracy of administrative record, firearms dealer implicitly admitted to hundreds of violations of legal requirements of the Bureau, after multiple warnings, Bureau's refusal to renew license was properly upheld notwithstanding dealer's offer to show that he was one of the highest volume retail firearms dealers in the district and had spent a great deal of money trying to correct faulty recordkeeping system, and (2) District Court did not abuse discretion in ruling without evidentiary hearing.

Affirmed.

Appeal from the United States District Court for the Northern District of California.

Before MERRILL, HUG and SKOPIL, Circuit Judges.

HUG, Circuit Judge:

The district court, pursuant to 18 U.S.C. §923(f)(3), granted the Bureau of Alcohol, Tobacco and Firearms's motion for summary judgment, affirming the Bureau's re-

fusal to renew Cucchiara's license to sell firearms, under 18 U.S.C. §923(d)(1)(C), for willful failure to comply with Bureau regulations. Because there exist no unresolved issues of material fact, we affirm.

The facts, as synthesized by the district court from the administrative record, are as follows:

> The record shows that plaintiff received "irregularities statements" in 1970 and 1972 reflecting, in the aggregate, hundreds of violations of legal requirements, including repeated failure to record the acquisition and disposition of firearms and scores of sales of firearms to ineligible purchasers. The record further shows that plaintiff was notified in 1973 that any future violations might be considered willful. Finally, the record shows that a recent investigation of plaintiff's records revealed additional sales to ineligible purchasers, unreported multiple handgun sales, repeated failure to record the acquisition and disposition of firearms and a loss without reasonable explanation of 200 firearms.

In the district court, Cucchiara admitted that he did "not take issue with much of the basic factual background presented" in the Bureau's motion for summary judgment. The district court commented that "plaintiff concedes the essential accuracy of the administrative record" in granting summary judgment to the Bureau "on the basis of the uncontroverted evidence." The district court did not schedule a hearing to receive additional evidence, but did permit Cucchiara to introduce a deposition and several declarations intended to demonstrate that his conduct was not willful.

In failing to dispute the factual accuracy of the administrative record, however, Cucchiara implicitly admits to hundreds of violations of the Bureau's legal requirements, after multiple warnings. Although Cucchiara sought to augment the record in the district court on the question of

willfulness, the district court correctly characterized the additional information as showing only

> that he is one of the highest volume retail firearms dealers in this District and that he has made costly, good faith efforts to comply with all his obligations as a licensee . . . [and] that his noncompliance was excusable, either because it was inevitable, due to the size and nature of his operation, or merely inadvertent.

Under the willfulness standard announced in *Perri v. Department of Treasury*, 637 F.2d 1332 (9th Cir. 1981), this additional information creates no dispute over a genuine issue of material fact. *Perri* held that willfulness is established "when a dealer understands the requirements of the law, but knowingly fails to follow them or was indifferent to them." *Id.* at 1336. The fact that Cucchiara has spent a great deal of money trying to correct his faulty record-keeping system, after the violations, for example, is immaterial to the question of willfulness at the time the violations occurred. Cucchiara clearly understood the requirements of the law, as evidenced by the "irregularities statements" and the Bureau's 1973 warning that future violations might be considered willful. Yet, with this knowledge, he failed to abide by these requirements. In great degree, Cucchiara's argument on appeal depends on the legal definition of willfulness espoused in *Rich v. United States*, 383 F.Supp. 797, 800-01 (S.D. Ohio 1974) (conduct is willful only if it is purposeful and intentional), a definition rejected in this circuit by the *Perri* decision.

Appellant also claims that the district court denied him an opportunity to be heard and to present additional evidence on the question of willfulness because, although the court permitted the introduction of a deposition and several declarations on this issue, it did not schedule a *de novo* hearing during its review of the Bureau decision. Under additional

standards set out in *Perri*, however, it is clear that the district court did not abuse its discretion in ruling without an evidentiary hearing. *See Perri v. Department of Treasury*, 637 F.2d at 1335 (9th Cir. 1981), *quoting Stein's Inc. v. Blumenthal*, 649 F.2d 463, 466 (7th Cir. 1980) ("Consideration of judicial economy suggests that trial anew of factual matters already litigated should be avoided unless substantial doubt infects the agency's findings of fact."). As in this case, the district court in *Perri* had received additional evidence into the record, but ruled without an evidentiary hearing. In a procedure that, for formality's sake, might well have been followed in this case, the district court in *Perri* inquired forthrightly "whether the case was submitted for *all* purposes: 'both the consideration of the summary judgment; and then, if those are denied, consideration of the court's findings in the matter'." *Perri v. Department of Treasury*, 637 F.2d at 1335 (9th Cir. 1981).[1]

Finally, Cucchiara disputes the factual finding of the district court that his records revealed "a loss without reasonable explanation of 200 firearms," a finding not made by

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[1]Nevertheless, we agree with the court in *Stein's Inc. v. Blumenthal*, 649 F.2d at 468 n.10 (7th Cir. 1980):

> It is true that procedurally this case was decided on a motion for summary judgment where technically fact finding is inappropriate and all reasonable inferences must be drawn in favor of the party opposing the motion. Nevertheless, because the procedure for review pursuant to 18 U.S.C. §923(f)( ) permits the district court to enter judgment on the basis of the administrative record when no substantial reason to receive additional evidence is present, the practice of the courts has been to grant judgment summarily when the "material facts developed at the administrative hearing, which the court also concludes justify non-renewal" are not substantially drawn into question by the party petitioning for review.

the Bureau. Even if error is assumed, however, the question cannot be considered material, in view of the other violations of Bureau regulations that Cucchiara has admitted. Thus, under the summary judgment standard, Cucchiara has failed to establish that a genuine issue of material fact remains unresolved.

AFFIRMED.

APPENDIX B.

Order.

United States District Court, Northern District of California.

Antonio Cucchiara, Plaintiff, vs. Secretary of the Treasury, et al., Defendants. No. C-78-2603-SC.

Filed: October 19, 1979.

Plaintiff Antonio Cucchiara brings this action pursuant to 18 U.S.C. §923(f)(3) to obtain review of a refusal by the Secretary of the Treasury to renew his federal firearms dealer's license. The matter is before the court on cross motions for summary judgment.

18 U.S.C. §923(d)(1)(C) provides that an application for a firearms dealer's license shall be approved if "the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder." In *Rich v. United States*, 383 F.Supp. 797 (S.D. Ohio 1974), the court determined on the basis of the legislative history of the Gun Control Act of 1968 that the term "willfully" should be interpreted to encompass only "purposeful, intentional conduct." *Id.* at 800. In *Shyda v. Director, Bureau of Alcohol, Tobacco & Firearms*, 448 F.Supp. 409 (M.D.Pa. 1977), the court, expounding on the holding in *Rich, supra*, held that to prevail in a license revocation proceeding the Secretary must prove that the licensee knew of his obligations and purposefully disregarded or was plainly indifferent to recordkeeping requirements. *Id.* at 415. In *Lewin v. Blumenthal*, 590 F.2d 268 (8th Cir. 1979), the Eighth Circuit adopted the *Shyda* formulation. *Id.* at 128-69. This court agrees that that formulation is correct.

In support of his motion for summary judgment, the Secretary submits an administrative record of testimony and exhibits which exceeds 300 pages in length. The record

shows that plaintiff received "irregularities statements" in 1970 and 1972 reflecting, in the aggregate, hundreds of violations of legal requirements, including repeated failure to record the acquisition and disposition of firearms and scores of sales of firearms to ineligible purchasers. The record further shows that plaintiff was notified in 1973 that any future violations might be considered willful. Finally, the record shows that a recent investigation of plaintiff's records revealed additional sales to ineligible purchasers, unreported multiple handgun sales, repeated failure to record the acquisition and disposition of firearms and a loss without reasonable explanation of 200 firearms. The Secretary contends that this record amply justifies his determination that plaintiff's failure to comply with legal requirements was willful.

In his motion for summary judgment, plaintiff concedes the essential accuracy of the administrative record. He disputes, however, the characterization of his conduct as willful. He submits declarations showing that he is one of the highest volume retail firearms dealers in this District and that he has made costly, good faith efforts to comply with all his obligations as a licensee. He contends that at a minimum the record creates a genuine dispute as to whether his noncompliance was willful. He contends, moreover, that it clearly shows that his noncompliance was excusable, either because it was inevitable, due to the size and nature of his operation, or merely inadvertent.

After a careful *de novo* review of the entire record, the court finds on the basis of the uncontroverted evidence that plaintiff, since at least 1972, he has fully aware of the legal obligations of federal firearms licensees; that during the life of his license he failed on many scores of occasions to observe legal requirements; that the nature and extent of his noncompliance with legal requirements, especially in the

area of sales to ineligible purchasers where the public interest in strict, painstaking compliance is particularly great, evince gross disregard of or indifference to legal requirements; and that the Secretary's refusal to renew his license was therefore authorized within the meaning of 18 U.S.C. §923(f)(3).

Accordingly, it is hereby ordered that defendant's motion for summary judgment is granted.

Dated: October 19, 1979.

SAMUEL CONTI
United States District Judge

APPENDIX C.

Findings and Conclusions.

In the Matter of the Application for Firearms License under Chapter 44 of Title 18 United States Code submitted by: Tony Cucchiara, dba The Traders.

Bureau of Alcohol, Tobacco and Firearms Western Region.

The record in this case discloses that Mr. Tony Cucchiara, dba The Traders held a license as a dealer in firearms other than destructive devices and ammunition for other than destructive devices with an expiration date of January 1, 1978. On or about, December 1, 1977, Mr. Tony Cucchiara, dba The Traders filed an application for renewal of this license. On May 2, 1978, a denial (Form 4498) was sent to the applicant by certified mail as specified by 18 U.S.C. §923(f)(1).

The reasons for the denial of the application are set forth on page 2 of the Form 4498 which was served on the applicant. On or about May 8, 1978, the applicant duly requested a hearing, as provided by 18 U.S.C. §923(f)(2). The Traders was afforded a hearing on June 27, 1978 at 9:30 a.m. at San Francisco, California. Present at the hearing were the hearing officer, Mr. Michael A. Bodisco; Inspector Henry Siddall, Bureau of ATF; Mr. Vince Galbraith, Office of Regional Counsel; Mr. Tony Cucchiara; Mr. James Pelton and Ms. Norma Cook, employees of Mr. Tony Cucchiara, dba The Traders, and Mr. Francis H. Ollerdessen, counsel for The Traders. At the hearing it was disclosed that The Traders willfully violated federal firearms laws and regulations.

FINDINGS

From the record before me, including the evidence presented at the hearing, I hereby find:

(1) The Traders has been repeatedly advised of federal firearms laws and regulations relating to its firearms business and is knowledgeable concerning these laws and regulations.

(2) In October, 1970, and December, 1970, The Traders was issued Form 1880, Irregularities Statement for violations of federal firearms laws and regulations.

(3) In October, 1972, The Traders was issued Form 1880 Irregularities Statement for violations of 18 U.S.C. §922(m) and 27 C.F.R. §§178.124 and 178.125, to wit, failure to properly maintain Forms 4473 and failure to properly record the acquisition and/or disposition of firearms.

(4) On February 1, 1973, a letter from the Regional Director of the Bureau of Alcohol, Tobacco and Firearms was hand-delivered to Mr. Cucchiara. This letter informed Mr. Cucchiara that any future violations of federal firearms laws and regulations might be considered as willful and might subject the firearms license of The Traders to revocation.

(5) Between February 8, 1977 and August 4, 1977, The Traders willfully violated 18 U.S.C. §922(m) by failing to properly maintain Form 4473, in that on 15 Forms 4473, Section 8 was not completed. Form 4473 is required to be kept by 18 U.S.C. §923(g) and 27 CFR §178.124.

(6) On or before September 23, 1977, The Traders willfully violated 18 U.S.C. §922(m) by failing to properly maintain records of the receipt and disposition of firearms as required by 18 U.S.C. §923(g) and 27 CFR §178.125, in that The Traders failed to maintain proper records of the

receipt of 25 firearms and failed to enter the disposition of 362 firearms in its records.

(7) On or before September 23, 1977, The Traders willfully violated 18 U.S.C §922(m) and 27 CFR §178.126a by failing to report approximately 74 multiple handgun sales.

CONCLUSIONS

On the basis of the law and facts before me, I hereby conclude as follows:

(1) The violations of federal firearms laws and regulations mentioned in (2) and (3) of the FINDINGS, while not cited herein as causes for denial of the license application, persuasively demonstrate the violations cited in (5), (6) and (7) of the FINDINGS were committed by a licensee with a propensity to willfully disregard and ignore applicable firearms laws and regulations.

(2) Based on the willful violations of federal firearms laws and regulations, cited in (4), (5), (6) and (7) of the FINDINGS, committed by The Traders, The Traders does not qualify for a license under 18 U.S.C. §923(d)(1)(C).

/s/ CHARLES D. FOSTER
Charles D. Foster
Regional Regulatory Administrator

Dated: September 14, 1978.